The Member then presented a memorial signed by 29 Nair Members of the Assembly praying that the boon of a law of partition might be granted in deference to the wishes of the community.

Dewan's reply.—Noted.

36. Repeal of the Public Canals and Public Ferries Regulation.

Mr. C. A. Nediry (Member, Ambalapuzha taluk) said that the greatest of the people's grievances was the enforcement of the Public Canals and Ferries Regulation which, he submitted, was unnecessary and unsuited to the country. The working of the Regulation caused great inconvenience, trouble and loss to the people living in the taluks of Ambalapuzha, Shertallai, Vaikom, Ettumanur, Kottayam, Changanacherry, Tiruvalla, Chengannur, Mavelikara, Karunagappally, Kartigappally, Quilon, Chirayinkil and Trivandrum. Their troubles began when that part of the Regulation relating to the Canals was brought into force about 3 years ago; their troubles became all the greater, because the P. W. Department was entrusted with the enforcement of the Regulation and rules.

Dewan.—As you say that you have not read the latest Notification on the subject published in the last issue of the Gazette, I shall give you the substance of it. A representation was made at the previous sessions of the Assembly, and particularly at the last session by the Member for Ambalapuzha taluk. A memorial was also received on the subject. All these were sent to the Chief Engineer for report. Mr. Bastow's report was carefully considered by Government and a Notification was issued to the effect that, in the interests of the public, the Regulation *as a whole* cannot be repealed, but that, if reasonable complaints were made about any specific provisions of the Regulation, they would be duly considered. I may also add that a similar law exists in British India and that Cochin is also contemplating the introduction of a Regulation on the same lines.

The Member said that his contention was that the Regulation was not required in the public interests and he mentioned the following points to support his view:—

(1) The use of a Public Canal was a right of the public established several centuries ago and admitted by the definition of "Public Canals" in section 2. The gist was taken away by the provision in rule 2 requiring that the people should take a certificate of permission from the Executive Engineer before using a Public Canal.

(2) Since the definition of "vessel" in section 2 included rafts of timber also, it was ordered in rule 12 that a certificate should be taken, after payment of a fee, for taking a raft from one place to another through the canal, in the face of the fact that, by section 4 of the Regulation, only those vessels or rafts plying for hire, or, in other words, those which were used for transporting persons or goods, should be registered. In Travancore, no raft was used as a boat for transporting persons or things through the canal. Thus, the rule about the rafts was evidently a mistake.

(3) Under rule 14, no private wharf or landing could be constructed without the sanction of the Executive Engineer. That was a prohibition not contemplated by the Regulation.

(4) Though section 6, sub-section 4, empowered the officers to stop only vessels navigating in contravention of the Regulation, rule 29 ordered that a vessel should be stopped, whenever a Canal Officer required it.

(5) No power is given by the Regulation to seize a boat, though unregistered, but only to stop and detain it under section 6, sub-section 4. In contravention of such provisions, the Canal Officers were daily seizing many boats on the sole ground that they were not registered.

The Member proceeded to explain that the registration of boats was meant only for company boats and similar boats which were solely intended to transport

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passengers from one place to another on a fixed hire. But the provisions of the Regulation were being enforced in utter disregard of the above principle, with the result that people were being put to severe hardship. The amount of money realised under the Regulation was also trifling. The continuance of the Regulation was characterised by the Member as a source of corruption and public scandal and he said that the proper working of the Regulation was impracticable. The boats plying for hire alone should be registered and only those boats which ought to be registered could be stopped or prosecuted. The first difficulty was to understand the meaning of the words "plying for hire". The Canal Officers thought that, if a boat-owner hired his boat to another for his private use, the boat was plying for hire and so they got a promise from the boat-owner before giving a free pass that he would not hire his boat to any one. But that view was wrong. Those boats were *not* plying for hire, but they were only *kept* for hire. The boats plying for hire were those boats transporting passengers from place to place, receiving from each a fixed fee, just as company boats and transit boats. If a person engaged a full boat for a fixed sum of money for his own use, for taking him or his family or his goods to another place, that boat was not plying for hire. It would thus be very difficult to find out whether a boat was fully hired by one person or whether it was transporting passengers by tickets. It was also difficult to find out whether the registered boats carried more passengers or goods than were allowed by the rules.

The intensity of public feeling against the Regulation was on the increase as was testified to by the several representations submitted to Government both in the Assembly and outside. The Member, therefore, earnestly requested Government to repeal the whole Regulation.

Dewan's reply.—Noted.

37. Modification of the Land Conservancy Regulation

Mr. Ulahannan Ulahannan (Member, Minachil taluk) said that Regulation IV of 1091 worked real hardship to the land-holders of the State. The fines inflicted upon trespassers on *porambokes*, the prohibitory assessment levied on such lands and the rates of *tharavila* imposed before registry were all excessive.

According to the Settlement of 1012 M. E., there were no lands known as Sirkar *porambokes*. During the Survey operations carried on in 1079 in the Minachil taluk in connection with the last Settlement, the Survey subordinates had committed many irregularities in fixing the boundaries of registered holdings and the result was that portions of registered holdings were recorded as Sirkar *porambokes*.

Encroachments on *porambokes* were made penal by the Regulation. But the Revenue Officers who dealt with the question failed to enquire whether the encroachments were intentional or unlawful. The provision in section 9 of the Regulation that any building or other structure erected on a *poramboke* land by the trespasser was liable to forfeiture, if not removed by him after written notice, was also hard.

The Member then complained against the imposition of a *tharavila* of Rs. 25 per cent on *porambokes* in the taluk, and said that the rate was exorbitant. The rates of assessment of Re. 1 and Rs. 1½ per cent were prohibitive. He prayed that reasonable reductions be made in those rates.

The people had real grievances in regard to *poramboke* enquiries and they desired that, until satisfactory measures were devised by Government to obviate the evils, the enquiries might be held in abeyance.

The Member, therefore, suggested that the Land Conservancy Regulation, IV of 1091, be so amended as to ensure to registry-holders permanent rights to their property or that the power to dispose of *poramboke* cases be delegated to the Civil Courts.

Dewan's reply.—Noted.

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